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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN CERVANTES VASQUEZ,
ALBERTO GONZALEZ SALGADO, and
ISAAH ALBERTO SALGADO,

Defendants.

CASE NO. 2:20-CR-0193-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 15, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 15, 2023.
2. By this stipulation, defendants now move to continue the status conference until August 31, 2023, and to exclude time between June 15, 2023, and August 31, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case to date includes more than 5,539 pages of investigative reports, photographs, affidavits, and other documents, as well as video and audio recordings. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) The government produced more than 3,400 of these pages of discovery on October 20, 2022, in response to discovery requests from multiple defendants. In particular, the government produced bench notes from its forensic chemists' analysis of seized drugs. In addition, the government produced, subject to a stipulated protective order, complete downloads of approximately 17 seized cell phones that had previously been made available for inspection but not reviewed by defense counsel. These cell phone downloads include extensive communications, many of which are in the Spanish language, as well as other materials.

c) Counsel for all defendants need additional time to review the discovery in this case; to conduct independent factual investigation, including ongoing defense expert evaluation of the chemists' bench notes that were recently produced; to research trial and sentencing issues; to consult with their clients; and to otherwise prepare for trial.

d) Counsel for defendants believe that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of June 15, 2023 to August 31, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

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1 IT IS SO STIPULATED.

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3 Dated: June 8, 2023

PHILLIP A. TALBERT
United States Attorney

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5 /s/ DAVID W. SPENCER
DAVID W. SPENCER
6 Assistant United States Attorney

7 Dated: June 8, 2023

/s/ Toni L. White
Toni L. White
8 Counsel for Defendant
9 MARTIN CERVANTES VASQUEZ

10 Dated: June 8, 2023

/s/ Hannah R. Labaree
Hannah R. Labaree
11 Assistant Federal Defender
12 Counsel for Defendant
ALBERTO GONZALEZ SALGADO

13 Dated: June 8, 2023

/s/ David D. Fischer
David D. Fischer
14 Counsel for Defendant
15 ISAIAH ALBERTO SALGADO

16 **FINDINGS AND ORDER**

17 IT IS SO FOUND AND ORDERED.

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19 Dated: 6/9/23

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
20 UNITED STATES DISTRICT JUDGE
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